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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,436	04/25/2007	Naomitsu Nishihata	10-108-US	9872
718	7590	03/16/2011	EXAMINER	
REED SMITH LLP			FERGUSON, LAWRENCE D	
P.O. BOX 488				
PITTSBURGH, PA 15230-0488			ART UNIT	PAPER NUMBER
			1783	
			NOTIFICATION DATE	DELIVERY MODE
			03/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10589436	4/25/07	NISHIHATA ET AL.	10-108-US

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EXAMINER

Lawrence D. Ferguson

ART UNIT	PAPER
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1783

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Commissioner for Patents

The Notice of Non-Compliant Amendment issued by the Office on January 20, 2011 was improper. It is hereby vacated in favor of the below.

Newly submitted claims 1, 7-11 and 14-15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: A secondarily formed product obtained from machining is a different invention than a stock shape for machining. The inventions listed as elected claims 1, 3-11 and 14-15 and the recently amended claims do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same corresponding special technical features for the following reasons: Claim 1 is either obvious over or anticipated by Nishihata et al. (WO 00/343369). Accordingly, the special technical feature linking the inventions, a solidified extruded product of a resin composition comprising (A), (B) and (C), does not provide a contribution over the prior art, and no single general inventive concept exists. Therefore, restriction is appropriate. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, amended claims 1, 7-11 and 14-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on November 5, 2010, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because A secondarily formed product obtained from machining is a different invention than a stock shape for machining. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/David R. Sample/
Supervisory Patent Examiner, Art Unit 1783